

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kashane Kirk, as personal representative and
on behalf of the estate of Leontae Kirk;
Sharon Roberts; Brittanie Turner, as legal
guardian and parent of her minor child on
behalf of M.C.,

Plaintiffs,

v.

City of Phoenix, et al.,

Defendants.

No. CV 23-00836 PHX MTL (CDB)
CASE MANAGEMENT ORDER

IT IS ORDERED that:

1. **All parties** shall serve their initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, if not previously made, no later than **March 8, 2024**.

2. Deadline for Joining Parties and Amending Pleadings. The deadline for joining parties, amending pleadings, or filing supplemental pleadings is **April 12, 2024**. Any motion for leave to amend or notice of amendment must be filed in accordance with Rule 15.1 of the Local Rules of Civil Procedure. Any motion or notice that does not comply with the local and federal rules may be stricken by the Court.

3. Discovery Deadlines and Limitations. Depositions in this case shall be limited to seven hours each as provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. The number of depositions and interrogatories shall be as limited in Rule 30(a)(2)(A)(i) and Rule 33(a)(1) of the Federal Rules of Civil Procedure. Should any party seek to limit depositions or conduct additional depositions they should file an appropriate motion. Each

side may also propound up to 40 requests for production of documents, including subparts, and up to 40 requests for admissions, including subparts. The limitations set forth in this paragraph may be increased by agreement of the parties, but such an increase will not result in an extension of the discovery deadlines.

a. Depositions: All depositions shall be scheduled to commence at least **five working days** prior to the discovery deadline. A deposition commenced five days prior to the deadline may continue up until the deadline, as necessary.

b. Fact Discovery: All fact discovery, including the disclosure of electronically stored information (“ESI”) and the depositions of all fact/lay witnesses shall be **completed no later than December 22, 2024**. Responses to requests for production and interrogatories shall include all information stored electronically. All ESI must be produced in a searchable, OCR readable, PDF format.

4. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

a. Plaintiffs shall provide full and complete expert disclosure as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than **September 13, 2024**.

b. Defendants shall provide full and complete expert disclosure as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than **October 25, 2024**.

c. Rebuttal expert disclosure, if any, shall be made no later than **November 29, 2024**. Rebuttal experts shall be limited to responding to opinions stated by initial experts.

d. All expert witness depositions shall be completed no later than **January 24, 2025**. As with fact witness depositions, expert depositions shall be scheduled to commence at least five working days before the deadline.

5. Discovery Disputes.

a. The parties are directed to Local Civil Rule 7.2(j), which prohibits filing discovery motions unless the parties have first met to resolve any discovery difficulties. If the parties cannot reach a resolution, they are directed to file the appropriate motion

1 specifying the relief sought and citing to any published legal opinion which supports their
2 motion. Any briefing regarding a discovery dispute shall comply with Local Rule of Civil
3 Procedure 7.2(k).

4 b. All discovery-related motions shall be filed no later than **January 31, 2025**.
5 Absent extraordinary circumstances, the Court will not entertain discovery disputes after
6 the deadline specified in this order.

7 6. Deadline for Filing Dispositive Motions.

8 a. Dispositive motions shall be filed no later than **March 31, 2025**. Such motions
9 must comply in all respects with the Federal Rules of Civil Procedure and the Local Rules.

10 b. No party shall file more than one motion for summary judgment under Rule 56
11 of the Federal Rules of Civil Procedure unless permission is first obtained from the Court.

12 c. Failure to respond to a motion within the time periods provided in Local Rule of
13 Civil Procedure 7.2 will be deemed a consent to the denial or granting of the motion and
14 the Court may dispose of the motion summarily pursuant to Local Rule of Civil
15 Procedure 7.2(i).

16 d. Pursuant to Local Rule of Civil Procedure 7.2(f), a party desiring oral argument
17 on a motion for summary judgment must request it by placing "Oral Argument Requested"
18 immediately below the title of the motion or the response to the motion. The Court may
19 decide motions without oral argument and will issue an order scheduling oral argument as
20 it deems appropriate.

21 7. Deadline for Engaging in Good Faith Settlement Talks. All parties and their
22 counsel shall meet in person and engage in good faith settlement talks no later than
23 **August 30, 2024**. The parties shall jointly notify the Court if and when they seek referral
24 to a different magistrate judge for the purpose of conducting a settlement conference.

25 Upon completion of settlement talks, and in no event later than seven working days
26 after the deadline set forth in the preceding sentence, the parties shall file with the Court a
27 joint Report on Settlement Talks executed by or on behalf of all counsel. The Report shall
28 inform the Court that good faith settlement talks have been held and shall report on the

1 outcome of such talks. The parties shall promptly notify the Court at any time when
2 settlement is reached during the course of this litigation.

3 8. Deadline for Notice of Readiness for Pretrial Conference. Plaintiff shall notify
4 the Court that the parties are ready for scheduling of a Final Pretrial Conference pursuant
5 to Rule 16(d) of the Federal Rules of Civil Procedure. Plaintiff shall file and serve this
6 notice within fourteen days after the dispositive motion deadline if no dispositive motions
7 are pending on that date. If dispositive motions are pending, Plaintiff shall file and serve
8 such notice within fourteen days after the resolution of dispositive motions. The Court will
9 then issue an order setting the Final Pretrial Conference that (a) sets deadlines for briefing
10 motions in limine, (b) includes a form for the completion of the parties' Joint Proposed
11 Final Pretrial Order, and (c) otherwise instructs the parties concerning their duties in
12 preparing for the Final Pretrial Conference. A firm trial date will be set at the Final Pretrial
13 Conference.

14 9. The Deadlines Are Real. The parties are advised that the Court intends to enforce
15 the deadlines set forth in this order and should plan their litigation activities accordingly.

16 Dated this 16th day of February, 2024.

17
18
19
20
21
22
23
24
25
26
27
28



Camille D. Bibles
United States Magistrate Judge